

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**NEXUS GAS TRANSMISSION, LLC**

5400 Westheimer Court  
Houston, TX 77056-5310

Plaintiff,

v.

**2.00 ACRES ± PERMANENT  
EASEMENT, AND 3.2 ACRES ±  
TEMPORARY EASEMENT OF LAND IN  
CITY OF GREEN, SUMMIT COUNTY,  
OHIO**

City of Green, Ohio  
c/o Diane A. Calta, Law Director  
1755 Town Park Blvd.  
Uniontown, OH 44685

Aqua Ohio, Inc.  
c/o Corporation Service Company,  
Statutory Agent  
50 W. Broad St., Ste. 1330  
Columbus, OH 43215

Duck Creek Energy Inc., Successor in Interest to  
James E. Wilkes  
c/o David I. Mansbery, Statutory Agent  
7033 Mill Rd.  
Brecksville, OH 44141

**0.0147 ACRES ± PERMANENT  
EASEMENT, AND 0 ACRES ±  
TEMPORARY EASEMENT OF LAND IN  
CITY OF GREEN, SUMMIT COUNTY,  
OHIO**

: Case No.

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: Judge

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: Magistrate Judge

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City of Green, Ohio  
c/o Diane A. Calta, Law Director  
1755 Town Park Blvd.  
Uniontown, OH 44685

GonzOil, Inc.  
c/o Frank W Gonzalez, Statutory Agent  
5519 East Blvd. N.W.  
Canton, OH 44718

**0 ACRES ± PERMANENT  
EASEMENT, AND 0.4 ACRES ±  
TEMPORARY EASEMENT OF LAND IN  
CITY OF NEW FRANKLIN, SUMMIT  
COUNTY, OHIO**

Thomas D. & Kelly M. Culp  
1920 Limbach Rd.  
New Franklin, OH 44216

Spelman Pipeline Holdings, LLC  
c/o Marty Whelan, Statutory Agent  
5640 Lancaster Newark Rd.  
Pleasantville, OH 43148

Third Federal Savings and Loan Association of  
Cleveland  
c/o Karen Lawhorn Conn, Statutory Agent  
7007 Broadway Ave.  
Cleveland, OH 44105

**0.3 ACRES ± PERMANENT  
EASEMENT, AND 0.3 ACRES ±  
TEMPORARY EASEMENT OF LAND IN  
CITY OF GREEN, SUMMIT COUNTY,  
OHIO**

Michael F. Hagan and Nancy S. Hagan, Co-  
Trustees of the Hagan Family Revocable Living  
Trust dated December 19, 2006  
3071 Wise Rd.  
North Canton, OH 44720

Charlene E. Stevanov  
32 Harris Cir.  
Newark, DE 19711

John A. Stevanov  
3041 Wise Rd.  
North Canton, OH 44720

David Shafer Oil Producing Successor in Interest  
to Smith Shafer Smith  
459 S. Hilcrest Dr.  
Wooster, OH 44691

**1.4 ACRES ± PERMANENT  
EASEMENT, AND 4.7 ACRES ±  
TEMPORARY EASEMENT OF LAND IN  
CITY OF GREEN, SUMMIT COUNTY,  
OHIO**

Judy Jane Hamrick  
586 Apple Dr.  
Akron, OH 44319

John G. Selzer  
2686 Wise Rd.  
Canton, OH 44720

Elaine Selzer  
2686 Wise Rd.  
North Canton, OH 44720

David Shafer Oil Producing Successor in Interest  
to Smith Shafer Smith  
459 S. Hilcrest Dr.  
Wooster, OH 44691

Child Support Enforcement Agency of  
Summit County  
c/o Sherri Bevan Walsh, Prosecutor,  
County of Summit  
53 University Ave. #6  
Akron, OH 44308

**0.2 ACRES ± PERMANENT  
EASEMENT, AND 0.2 ACRES ±  
TEMPORARY EASEMENT OF LAND IN  
CITY OF GREEN, SUMMIT COUNTY,  
OHIO**

Virgil E. & Wendy J. Kline  
4774 Mayfair Rd.  
North Canton, OH 44720

Christopher Ryan Armbruster & Danielle A.  
Armbruster  
4774 Mayfair Rd.  
North Canton, OH 44720

Universal Exploration, Inc.  
c/o Robert Leatherman, Statutory Agent  
200 Smokerise Dr., Ste. 300  
Wadsworth, OH 44281

Huntington National Bank  
c/o Richard A. Cheap, Statutory Agent  
41 S. High St.  
Columbus, OH 43215

Sirva Mortgage Inc.  
c/o Corporation Service Company  
50 West Broad St., Ste. 300  
Columbus, OH 43215

**0.01 ACRES ± PERMANENT  
EASEMENT, AND 0.0398 ACRES ±  
TEMPORARY EASEMENT OF LAND IN  
CITY OF GREEN, SUMMIT COUNTY,  
OHIO**

Todd R. & Cindi L. Starkey  
4828 Mayfair Rd.  
North Canton, OH 44720

Universal Exploration, Inc.  
c/o Robert Leatherman, Statutory Agent  
200 Smokerise Dr., Ste. 300  
Wadsworth, OH 44281

Huntington National Bank, Successor in Interest :  
to FirstMerit Bank, N.A. :  
c/o Richard A. Cheap, Statutory Agent :  
41 S. High St. :  
Columbus, OH 43215 :

**1.4 ACRES ± PERMANENT :  
EASEMENT, AND 2.6 ACRES ± :  
TEMPORARY EASEMENT OF LAND IN :  
CITY OF GREEN, SUMMIT COUNTY, :  
OHIO :**

Eugene R. & Rebecca S. Martz :  
211 Tonawanda Trail SW :  
Hartville, OH 44632 :

**1.6 ACRES ± PERMANENT :  
EASEMENT, AND 1.9 ACRES ± :  
TEMPORARY EASEMENT OF LAND IN :  
CITY OF GREEN, SUMMIT COUNTY, :  
OHIO :**

Plummer Family Trust of January 20, 2014 :  
Attn: Jessica M. Plummer and Scott P. Plummer, :  
Co-Trustees :  
5425 Thursby Rd. :  
North Canton, OH 44720 :

**0.4 ACRES ± PERMANENT :  
EASEMENT, AND 0.4 ACRES ± :  
TEMPORARY EASEMENT OF LAND IN :  
CITY OF GREEN, SUMMIT COUNTY, :  
OHIO :**

Joseph E. & Amy L. Bologa :  
5287 Thursby Rd. :  
North Canton, OH 44720 :

**0.1 ACRES ± PERMANENT  
EASEMENT, AND 0.4 ACRES ±  
TEMPORARY EASEMENT OF LAND IN  
CITY OF GREEN, SUMMIT COUNTY,  
OHIO**

Joseph E. & Amy L. Bologa  
5287 Thursby Rd.  
North Canton, OH 44720

First Place Bank  
c/o David J. Wolfe Jr., Statutory Agent  
724 Boardman-Poland Rd.  
Boardman, OH 44512

Talmer Bank and Trust  
c/o David J. Wolfe, Jr., Statutory Agent  
724 Boardman-Poland Rd.  
Boardman, OH 44512

**0.5 ACRES ± PERMANENT  
EASEMENT, AND 0.7 ACRES ±  
TEMPORARY EASEMENT OF LAND IN  
CITY OF GREEN, SUMMIT COUNTY,  
OHIO**

Bobby E. Geer  
1195 Koons Rd.  
North Canton, OH 44720

**0.3 ACRES ± PERMANENT  
EASEMENT, AND 0.6 ACRES ±  
TEMPORARY EASEMENT OF LAND IN  
CITY OF GREEN, SUMMIT COUNTY,  
OHIO**

Bobby E. Geer  
1195 Koons Rd.  
North Canton, OH 44720

**0.5 ACRES ± PERMANENT  
EASEMENT, AND 0.7 ACRES ±  
TEMPORARY EASEMENT OF LAND IN  
CITY OF GREEN, SUMMIT COUNTY,  
OHIO**

Cleveland Museum of Natural History  
c/o James R. Bright, Statutory Agent  
925 Euclid Ave., Ste. 2000  
Cleveland, OH 44115

Cleveland Museum of Natural History  
c/o James R. Bright, Statutory Agent  
925 Euclid Ave., Ste. 2000  
Cleveland, OH 44115

Western Reserve Land Conservancy  
c/o Richard D. Cochran, Statutory Agent  
3850 Chagrin River Rd.  
Moreland Hills, OH 44022

**0.8 ACRES ± PERMANENT  
EASEMENT, AND 1.9 ACRES ±  
TEMPORARY EASEMENT OF LAND IN  
CITY OF GREEN, SUMMIT COUNTY,  
OHIO**

Cleveland Museum of Natural History  
c/o James R. Bright, Statutory Agent  
925 Euclid Ave., Ste. 2000  
Cleveland, OH 44115

**1 ACRES ± PERMANENT  
EASEMENT, AND 1.5 ACRES ±  
TEMPORARY EASEMENT OF LAND IN  
CITY OF GREEN, SUMMIT COUNTY,  
OHIO**

Herbert E. & Yvonne L. Ward  
1309 Koons Rd.  
North Canton, OH 44720

Huntington National Bank, Successor in Interest :  
to FirstMerit Bank, N.A. :  
c/o Richard A. Cheap, Statutory Agent :  
41 S. High St. :  
Columbus, OH 43215 :

**0.5 ACRES ± PERMANENT :  
EASEMENT, AND 0.5 ACRES ± :  
TEMPORARY EASEMENT OF LAND IN :  
CITY OF GREEN, SUMMIT COUNTY, :  
OHIO :**

Richard I. Mellinger :  
5176 Arlington Rd. :  
North Canton, OH 44720 :

**0 ACRES ± PERMANENT :  
EASEMENT, AND 0.0005 ACRES ± :  
TEMPORARY EASEMENT OF LAND IN :  
CITY OF GREEN, SUMMIT COUNTY, :  
OHIO :**

Deborah D. Marino :  
1536 Spring Wood Ln. :  
Uniontown, OH 44685 :

Sheila Wenhart :  
5536 Arlington Rd. :  
Clinton, OH 44216 :

Thomas Dunlap :  
1700 E. Sierra Dr. :  
Haubstadt, IN 47639 :

Charles C. Dunlap :  
1106 Apple Ridge Rd. :  
Clinton, OH 44216 :

Joseph Marino :  
1536 Springwood Ln. :  
Uniontown, OH 44685 :

David Wenhart  
5536 S. Arlington Rd.  
Clinton, OH 44216

Donna Dunlap  
1700 E. Sierra Dr.  
Haubstadt, IN 47639

**0.4 ACRES ± PERMANENT  
EASEMENT, AND 0.3 ACRES ±  
TEMPORARY EASEMENT OF LAND IN  
CITY OF GREEN, SUMMIT COUNTY,  
OHIO**

Laura D. Urban  
370 E. Comet Rd.  
Clinton, OH 44216

Summit County Council  
c/o Sherri Bevan Walsh,  
Prosecutor, County of Summit  
53 University Ave., #6  
Akron, OH 44308

Bank of America, N.A.  
c/o CT Corporation System, Statutory Agent  
4400 Easton Commons Way, Ste. 125  
Columbus, OH 43219

**0.3 ACRES ± PERMANENT  
EASEMENT, AND 0.3 ACRES ±  
TEMPORARY EASEMENT OF LAND IN  
CITY OF NEW FRANKLIN, SUMMIT  
COUNTY, OHIO**

Virginia J. McClure  
200 Yager Rd.  
New Franklin, OH 44216

**0.3 ACRES ± PERMANENT  
EASEMENT, AND 0.2 ACRES ±  
TEMPORARY EASEMENT OF LAND IN  
CITY OF NEW FRANKLIN, SUMMIT  
COUNTY, OHIO**

Jeffrey A. & Sheryl A. Bonk  
228 Yager Rd.  
New Franklin, OH 44216

Huntington National Bank, Successor in Interest  
to FirstMerit Bank, N.A  
c/o Richard A. Cheap, Statutory Agent  
41 S. High St.  
Columbus, OH 43215

**0 ACRES ± PERMANENT  
EASEMENT, AND 0.1 ACRES ±  
TEMPORARY EASEMENT OF LAND IN  
CITY OF NEW FRANKLIN, SUMMIT  
COUNTY, OHIO**

Norman A. & Carol R. First  
6071 S. Myers Rd.  
New Franklin, OH 44216

**0.3 ACRES ± PERMANENT  
EASEMENT, AND 0.7 ACRES ±  
TEMPORARY EASEMENT OF LAND IN  
CITY OF NEW FRANKLIN, SUMMIT  
COUNTY, OHIO**

Norman A. & Carol R. First  
6071 S. Myers Rd.  
New Franklin, OH 44216

Lester E. and Helen G. Yager  
2025 Bernon Ave.  
Mission, TX 78572

**0 ACRES ± PERMANENT  
EASEMENT, AND 0.050 ACRES ±  
TEMPORARY EASEMENT OF LAND IN  
CITY OF NEW FRANKLIN, SUMMIT  
COUNTY, OHIO**

Bonnie E. Taylor  
6063 S. Myers Rd.  
New Franklin, OH 44216

Westfield Bank FSB, Successor in Interest to  
Valley Savings Bank  
c/o Frank Carrino, Statutory Agent  
One Park Circle  
Westfield Center, OH 44251

**0.4 ACRES ± PERMANENT  
EASEMENT, AND 0.6 ACRES ±  
TEMPORARY EASEMENT OF LAND IN  
GUILFORD TOWNSHIP, MEDINA  
COUNTY, OHIO**

Karl E. Bebout II and Terrie L. Bebout  
4222 Good Rd.  
Seville, OH 44273

PNC Bank, N.A.  
c/o Corporation Service Company  
50 West Board St., Ste. 1330  
Columbus OH 43215

**1.4 ACRES ± PERMANENT  
EASEMENT, AND 2.2 ACRES ±  
TEMPORARY EASEMENT OF LAND IN  
YORK TOWNSHIP, MEDINA COUNTY,  
OHIO**

Jeffrey L. & Denise L. Aungst  
6761 West Smith Rd.  
Medina, OH 44256

Medina County Highway Department  
c/o S. Forrest Thompson,  
Medina County Prosecutor  
72 Public Square  
Medina, OH 44256

**1.4 ACRES ± PERMANENT  
EASEMENT, AND 2.4 ACRES ±  
TEMPORARY EASEMENT OF LAND IN  
YORK TOWNSHIP, MEDINA COUNTY,  
OHIO**

Donald E. & Adele Huber Borling  
7635 Spieth Rd.  
Medina, OH 44256

Medina County Board of Commissioners  
c/o S. Forrest Thompson,  
Medina County Prosecutor  
72 Public Square  
Medina, OH 44256

**0.2 ACRES ± PERMANENT  
EASEMENT, AND 0.2 ACRES ±  
TEMPORARY EASEMENT OF LAND IN  
LAKE TOWNSHIP, STARK COUNTY,  
OHIO**

William T. & Cindy R. Trops  
10625 Cleveland Ave. N.W.  
Uniontown, OH 44685

Stark County Board of Commissioners  
c/o John D. Ferraro,  
Stark County Prosecuting Attorney  
110 Central Plaza South, Ste. 510  
Canton, OH 44702

Time Warner Cable Information Services :  
(Ohio), LLC :  
Successor-in-Interest to Warner Amex Cable :  
c/o Corporation Service Company, :  
Statutory Agent :  
50 W. Broad St., Ste. 1330 :  
Columbus, OH 43215 :

JPMorgan Chase Bank, N.A. :  
c/o CT Corporation System, Statutory Agent :  
4400 Easton Commons Way, Ste. 125 :  
Columbus, OH 43219 :

**3 ACRES ± PERMANENT :  
EASEMENT, AND 4.7 ACRES ± :  
TEMPORARY EASEMENT OF LAND IN :  
GRAFTON TOWNSHIP, LORAIN :  
COUNTY, OHIO :**

Minta A. Monchein Declaration of Trust dated :  
August 9, 1999 :  
c/o Minta A. Monchein, as Settlor and as Trustee :  
17170 Mennell Rd. :  
Grafton, OH 44044 :

Western Reserve Land Conservancy :  
c/o Richard D. Cochran, Statutory Agent :  
3850 Chagrin River Rd. :  
Moreland Hills, OH 44022 :

Aspire Energy of Ohio, LLC :  
Successor-in-Interest to Gatherco, Inc. :  
c/o Corporation Service Company :  
50 W. Broad St., Ste. 1330 :  
Columbus, OH 43215 :

Huntington National Bank :  
c/o Richard A. Cheap, Statutory Agent :  
41 S. High St. :  
Columbus, OH 43215 :

**0.1 ACRES ± PERMANENT  
EASEMENT, AND 0.1 ACRES ±  
TEMPORARY EASEMENT OF LAND IN  
CITY OF OBERLIN, LORAIN COUNTY,  
OHIO**

City of Oberlin, Ohio  
c/o Jon Clark, Law Director  
69 South Main St.  
Oberlin, OH 44074

Buckeye Pipe Line Company, LP, Successor-in-  
Interest to Buckeye Pipe Line Company  
c/o Corporation Service Company, Statutory Agent  
50 W. Broad St., Ste. 1330  
Columbus, OH 43215

**1.5 ACRES ± PERMANENT  
EASEMENT, AND 2.6 ACRES ±  
TEMPORARY EASEMENT OF LAND IN  
CITY OF OBERLIN, LORAIN COUNTY,  
OHIO**

Western Reserve Land Conservancy  
c/o Richard D. Cochran, Statutory Agent  
3850 Chagrin River Rd.  
Moreland Hills, OH 44022

Natural Areas Land Conservancy  
c/o Richard D. Cochran, Statutory Agent  
3850 Chagrin River Rd.  
Moreland Hills, OH 44022

Buckeye Pipe Line Company, LP, Successor-in-  
Interest to Buckeye Pipe Line Company  
c/o Corporation Service Company, Statutory Agent  
50 W. Broad St., Ste. 1330  
Columbus, OH 43215

**3.0 ACRES ± PERMANENT  
EASEMENT, AND 6.6318 ACRES ±  
TEMPORARY EASEMENT OF LAND IN  
MIDDLETON TOWNSHIP, WOOD  
COUNTY, OHIO**

Frederick J. Speck and Mildred A. Speck, Co-  
Trustees of the Frederick J. Speck Living Trust  
dated September 18, 2009  
11511 Dowling Rd.  
Bowling Green, OH 43402

Buckeye Pipe Line Company, LP, Successor-in-  
Interest to Buckeye Pipe Line Company  
c/o Corporation Service Company, Statutory Agent  
50 W. Broad St., Ste. 1330  
Columbus, OH 43215

**1.5 ACRES ± PERMANENT  
EASEMENT, AND 2.5 ACRES ±  
TEMPORARY EASEMENT OF LAND IN  
MIDDLETON TOWNSHIP, WOOD  
COUNTY, OHIO**

City of Bowling Green, Ohio  
c/o Michael Marsh, City Attorney  
249 S. Main St.  
Bowling Green, OH 43402

Board of Trustees of Public Affairs of the  
Village of Haskins, Ohio  
405 N. Findlay Rd.  
Haskins, OH 43525

Suburban Natural Gas Company Successor-in-  
Interest to Suburban Fuel, Gas, Inc.  
c/o David L. Pemberton Sr., Statutory Agent  
2626 Lewis Center Rd.  
Lewis Center, OH 43035

**1.2 ACRES ± PERMANENT  
EASEMENT, AND 1.8 ACRES ±  
TEMPORARY EASEMENT OF LAND IN  
BERLIN TOWNSHIP, ERIE COUNTY,  
OHIO**

La Claire Evans  
217 Ridgewood Ave.  
Huron, OH 44839

**0.5 ACRES ± PERMANENT  
EASEMENT, AND 0.9 ACRES ±  
TEMPORARY EASEMENT OF LAND IN  
GROTON TOWNSHIP, ERIE COUNTY,  
OHIO**

Brenda Ruthsatz  
419 Bardwell Rd.  
Castalia, OH 44824

Edward Ruthsatz  
419 Bardwell Rd.  
Castalia, OH 44824

**1.3 ACRES ± PERMANENT  
EASEMENT, AND 1.7 ACRES ±  
TEMPORARY EASEMENT OF LAND IN  
WASHINGTON TOWNSHIP, SANDUSKY  
COUNTY, OHIO**

Sandusky County Park District  
c/o Board of Park Commissioners  
1970 Countryside Dr.  
Fremont, OH 43420

James F. Schwartz and Margaret E. Schwartz  
2257 County Road 92  
Lindsey, OH 43442

**CERTAIN INTEREST(S) IN: CHRISTMAN  
ROAD; COMET ROAD; GREENSBURG  
ROAD; KILLENGER ROAD; KOONS  
ROAD; MASSILLON / HWY 241 ROAD;  
MAYFAIR ROAD; S. ARLINGTON ROAD;  
S. MAIN STREET; THURSBY ROAD;  
WISE ROAD IN CITY OF GREEN, OHIO**

City of Green, Ohio  
c/o Diane A. Calta, Law Director  
1755 Town Park Blvd.  
Uniontown, OH 44685

**CERTAIN INTEREST(S) IN: CENTER  
ROAD; CLEVELAND MASSILLON ROAD;  
FAIRLAND ROAD; GROVE ROAD;  
HAMSHER ROAD; KUNGLER ROAD;  
LIMBACH ROAD; MANCHESTER RD/OH  
93; MYERS ROAD; NIMISILA ROAD;  
RHEAM ROAD; VAN BUREN ROAD IN  
CITY OF NEW FRANKLIN, OHIO**

City of New Franklin, Ohio  
c/o Thomas Musarra, Law Director  
5611 Manchester Rd.  
New Franklin, OH 44319

**CERTAIN INTEREST(S) IN: ANTHONY  
WAYNE TRAIL (S RIVER ROAD) IN CITY  
OF WATERVILLE, OHIO**

City of Waterville, Ohio  
c/o Phillip L. Dombey  
25 N. Second St.  
Waterville, OH 43566

**CERTAIN INTEREST(S) IN: CALABOONE  
ROAD; CLINTON ROAD; GRILL ROAD;  
HATFIELD ROAD; SERFASS ROAD;  
TAYLOR ROAD; TOWNSHIP HWY 61 IN  
WAYNE COUNTY, OHIO**

Board of Trustees of Chippewa Township  
c/o Dominic Oliverio, Trustee  
14228 Galehouse Rd.  
Doylestown, Ohio 44230

**CERTAIN INTEREST(S) IN: CR 124  
HOOVER ROAD IN ERIE COUNTY, OHIO**

Erie County Board of Commissioners  
c/o Kevin J. Barylsk, Prosecuting Attorney  
247 Columbus Ave., Ste. 319  
Sandusky, OH 44870

**CERTAIN INTEREST(S) IN: CR 13  
MASON ROAD IN ERIE COUNTY, OHIO**

Village of Berlin Heights, Ohio  
c/o Carl J. Kamm, III, Mayor  
6608 Mason Rd.  
Berlin Heights, OH 44814

Defendants.

### **COMPLAINT FOR CONDEMNATION**

NEXUS Gas Transmission, LLC (“NEXUS”), by and through counsel, and pursuant to its power of eminent domain as authorized by 15 U.S.C. § 717f(h), and pursuant to Fed. R. Civ. P. 71.1, files this Complaint for: 1) an order that NEXUS has the authority to condemn the permanent and temporary easements on the properties and to the extent more fully described in Exhibit A and Exhibit B, attached hereto and incorporated herein (collectively “Easements”); 2) the determination and award of just compensation attributable to NEXUS’ acquisition of the

Easements; and 3) an order granting immediate access to and use of the Easements before just compensation is determined pursuant to a motion for preliminary injunction filed contemporaneously herewith.

### **Nature of the Case**

1. This action arises under the Natural Gas Act, 15 U.S.C. § 717 *et seq.* (“NGA”), and the authority for the taking is granted by 15 U.S.C. § 717f(h).

2. On August 25, 2017, the Federal Energy Regulatory Commission (“FERC”) issued a Certificate of Public Convenience and Necessity (“Certificate”) to NEXUS in Docket No. CP16-22-000 authorizing it to construct and operate an interstate natural gas pipeline system consisting of approximately 257.5 miles of new 36-inch diameter natural gas transmission mainline pipeline and associated pipeline facilities in Ohio and Michigan (“NEXUS Project” or “Project”). A true and correct copy of the Certificate is attached as Exhibit C.

3. Pursuant to the NGA and following the issuance of the Certificate, NEXUS may exercise eminent domain authority, as described more fully below, to acquire the Easements necessary to construct, operate and maintain the Project.

4. NEXUS has successfully negotiated the voluntary acquisition of easements on 97% of the tracts of land necessary to construct, operate and maintain the Project.

5. NEXUS has successfully obtained road crossing permits and/or other requisite permission(s) for the majority of road crossings within the Project.

6. NEXUS has filed this lawsuit to condemn and determine just compensation for the Easements that it has been unable to acquire by agreement.

### **Parties**

7. NEXUS is a limited liability company organized and existing under the laws of the state of Delaware, with its principal place of business at 5400 Westheimer Court, Houston, Texas 77056-5310.

8. NEXUS is authorized to conduct business in the state of Ohio. NEXUS is engaged in business in the state of Ohio and within this federal district.

9. NEXUS is a “natural gas company” within the meaning of the NGA, 15 U.S.C. § 717a(6), because it is organized for the purpose of transporting natural gas in interstate commerce.

10. NEXUS has made a diligent inquiry and public records/title search to ascertain the parties owning the lands on which the Easements are located, as well as the parties who claim any interest in the lands necessary to construct the pipeline. According to the best of NEXUS’ information, knowledge and belief, all those who are an owner or an owner of an interest in the lands on which the Easements are located are identified in the caption of this Complaint and in Exhibit A hereto, and they are collectively referred to herein as “Defendants.” The fee owners of the lands on which the Easements are located, and the local governmental entities having road rights-of-way in some of the land on which the Easements are located, are collectively referred to herein as “Landowner Defendants.”

### **Jurisdiction, NEXUS’ Authority to Condemn and Venue**

11. This is an action brought pursuant to the NGA, 15 U.S.C. § 717f(h), and Fed. R. Civ. P. 71.1 for the condemnation by eminent domain of the Easements in order to construct, operate and maintain a natural gas pipeline and/or related facilities for the Project. The authority for the taking is granted by 15 U.S.C. § 717f(h).

12. This Court has subject matter jurisdiction over this dispute under 28 U.S.C. § 1331 because this action arises under the laws of the United States, and under 28 U.S.C. § 1337 because the action arises under an Act of Congress regulating interstate commerce.

13. NEXUS has been authorized by FERC to engage in the transportation of natural gas in interstate commerce subject to FERC's continuing jurisdiction. Exhibit C, Certificate ¶ A, p. 71.

14. FERC has determined that the Project is necessary and the Easements are necessary to construct, operate and maintain the Project for the transportation of natural gas in interstate commerce and to fulfill the purposes for which the Certificate was issued. Exhibit C, Certificate.

15. Pursuant to 15 U.S.C. § 717f(h), the compensation offered to, or amount demanded or claimed by, each Landowner Defendant for each Easement exceeds \$3,000.00.

16. Before instituting this action, NEXUS made written offers and other efforts to acquire the Easements from the Landowner Defendants by agreement, including providing final offer letters to the Landowner Defendants in September 2017, but NEXUS cannot acquire by contract, and/or has been unable to agree with the Landowner Defendants to the compensation to be paid for the Easements necessary to construct, operate and maintain the pipeline and related facilities necessary to the proper operation of the pipeline. The Landowner Defendants did not accept or failed to respond to NEXUS' final offer.

17. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(2) because all of the property that is the subject of the action is located in this judicial district and pursuant to 15 U.S.C. § 717f(h) because the properties that are the subject of this action are located within this judicial district.

18. NEXUS has taken all steps and proceedings required by law necessary to initiate these proceedings as required by 15 U.S.C. § 717f(h) and Fed. R. Civ. P. 71.1, and jurisdiction is therefore proper under 15 U.S.C. § 717f(h). Copies of the notices required by Fed. R. Civ. P. 71.1 are attached at Exhibit D and incorporated herein.

**The NEXUS Project**

19. Pursuant to the Certificate, FERC has determined that the Project will serve the public convenience and necessity. Exhibit C, Certificate ¶ 51.

20. Construction of the Project is scheduled to begin on October 16, 2017.

21. The in-service date for the Project is September 30, 2018.

22. To complete construction of the Project in accordance with the Certificate, and along the FERC-certified alignment (or route), NEXUS must acquire the Easements.

**Acquisition of Easements By Eminent Domain**

23. The interests to be acquired in the respective properties are described in Exhibit B, as applicable.

24. The size and location of the Easements on the properties have been approved by FERC.

25. The Project will be unable to complete construction and to transport natural gas as authorized by the Certificate until NEXUS has access to and use of the Easements.

26. The NGA permits the holder of a Certificate to acquire the necessary right-of-way “by the exercise of the right of eminent domain” if it is unable to reach an agreement with the owner. 15 U.S.C. § 717f(h).

WHEREFORE, NEXUS Gas Transmission, LLC respectfully prays that this Honorable Court do the following:

- a. Enter an order bifurcating the issues of (i) the determination of NEXUS' right to condemnation; and (ii) just compensation for the takings;
- b. Schedule an expedited hearing date for NEXUS' Motion for Partial Summary Judgment and Motion for Preliminary Injunction, filed contemporaneously with this Complaint, confirming NEXUS' substantive right to condemn the Easements and authorizing immediate possession; and establish a schedule for the filing of briefs on that issue prior to the scheduled hearing date;
- c. Following hearing, issue an order declaring that NEXUS has the substantive right to condemn the Easements for the purposes set forth herein, and grant NEXUS a preliminary injunction authorizing immediate possession to begin construction of the pipeline and enjoining Defendants and other persons/entities from interfering with NEXUS' right of access;
- d. Appoint a three-person commission to determine just compensation due for such taking(s) pursuant to Fed. R. Civ. P. 71.1(h)(2);
- e. Upon payment of just compensation, enter judgment and an order of taking in favor of NEXUS condemning the Easements, free and clear of all liens and encumbrances; and
- f. Issue all necessary and/or appropriate orders and decrees, and for all other general, equitable and legal relief as the Court deems just and proper.

Respectfully submitted,

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